

Boer, H.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONALD FULLER,

Plaintiff,

12-CV-5460 (HB)

-against-

THE CITY OF NEW YORK, CAPTAIN DREW
KASTNER, SERGEANT JAMES HEGARTY,
OFFICER ROBERTO OVIEDO, OFFICER LOUIS
GUGLIEMO, OFFICER ROBERT MEYER,
OFFICER CHRISTOPHER EGAN, and
OFFICER REBECCA GUZMAN,

Defendants.

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USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/31/13

PROPOSED ORDER OF FINAL JUDGMENT

WHEREAS, on May 7, 2013, Defendant City of New York served upon Plaintiff an Offer of Judgment, pursuant to Rule 68 of the Federal Rules of Civil Procedure, against it for the total sum of Two Hundred Thousand and One (\$200,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of the offer;

WHEREAS, Plaintiff served upon Defendant City of New York written acceptance of the Rule 68 Offer of Judgment on May 14, 2013; and

WHEREAS, Plaintiff is not a Medicare recipient and/or has not received medical treatment in connection with the underlying claims for which any Medicare was/is provided:

IT IS HEREBY ORDERED THAT judgment is entered against Defendant City of New York for the total sum of Two Hundred Thousand and One (\$200,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to May 7, 2013. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants City of New

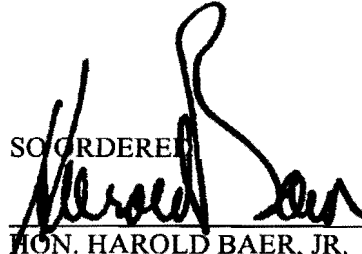
York and Captain Drew Kastner, Sergeant James Hegarty, Officer Louis Gugliemo, Officer Christopher Egan, Officer Rebecca Guzman, Officer Robert Meyer, Officer Roberto Oviedo or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action. This judgment shall not be construed as an admission of liability by any defendant, or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages.

This judgment acts to release and discharge Defendants City of New York and Captain Drew Kastner, Sergeant James Hegarty, Officer Louis Gugliemo, Officer Christopher Egan, Officer Rebecca Guzman, Officer Robert Meyer, Officer Roberto Oviedo; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff arising out of the facts and circumstances that are the subject of this action. Plaintiff has waived his rights to any claim for interest on the amount of the judgment.

IT IS FURTHER ORDERED THAT Plaintiff shall receive payment of \$200,001.00 by no later than August 12, 2013, that is, within ninety (90) days of May 14, 2013, the date of acceptance of the offer. Pursuant to Federal Rule of Civil Procedure 54(d), Plaintiff shall make an application for reasonable attorneys' fees, costs and expenses within 14 days of entry of this judgment.

Dated: May 30, 2013
New York, New York

SO ORDERED


HON. HAROLD BAER, JR.
United States District Judge